

**CITY OF CENTRAL, COLORADO  
ORDINANCE 12-08**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTRAL,  
COLORADO AMENDING CERTAIN PROVISIONS OF CHAPTER 13 OF THE  
MUNICIPAL CODE CONCERNING MUNICIPAL UTILITIES; SPECIFICALLY  
REGULATIONS PERTAINING TO THE CITY WATER SYSTEM**

**WHEREAS**, the City of Central (“City”) is authorized under its home rule charter and Title 31 of the Colorado Revised Statutes to adopt and amend ordinances in furtherance of governmental administration and the City’s police powers; and

**WHEREAS**, the City Council previously codified the ordinances of the City via Ordinance No. 94-3 into the Municipal Code; and

**WHEREAS**, in furtherance of the public health, safety and welfare of the City of Central, the City Council wishes to update the Municipal Code, chapter by chapter, to create administrative efficiencies and to reflect current City practices and policies; and

**WHEREAS**, the City Council has considered revisions to Chapter 13 of the Municipal Code in a Council study session held on July 10, 2012; and

**WHEREAS**, said revisions to Chapter 13 include but are not limited to: establishment of conditions of water service and the establishment of certain fees and charges related to the City’s water system; and

**WHEREAS**, City Council conducted a public hearing, with proper notice provided, to consider adoption of this Ordinance as required by law; and

**BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF CENTRAL,  
COLORADO THAT:**

**Section 1.** Chapter 13, currently titled “Municipal Utilities” is hereby repealed and replaced to read in its entirety as follows:

**CHAPTER 13  
Municipal Utilities**

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Sec. 13-118 Hydrant permit and Water General

Sec. 13-119 Tap and meter sizing; increases

Sec. 13-120 Stub-in

Sec. 13-121 Voluntary termination

Sec. 13-122 Test samples

Sec. 13-123 Fire protection

Sec. 13-124 Yard hydrants

### *Division 3 Fees and Charges*

Sec. 13-141 Plant investment fee

Sec. 13-142 Water Rates

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## **ARTICLE I Water System; General Provisions**

### *Division 1*

#### *General*

### **Sec. 13-1. Authorizations.**

This Chapter is promulgated pursuant to the authority granted in Articles 15 and 35 of Title 31, C.R.S., as amended, as a comprehensive body of regulations governing the operation of the City water system, and shall supersede and have priority over any and all informal practices or policies of the City, whether in written form or otherwise.

## **Sec. 13-2. Definitions.**

As used in this Chapter, unless the context clearly indicates otherwise, the words defined below shall have the respective meanings set forth for them:

*Active or activated.* When referring to a tap, a tap for which the customer has paid all fees and has the legal authorization to connect to and use the City water system for service to the licensed premises, and for which the physical connection to the City water system has been made and approved by the City. An active tap is being charged the fixed monthly service fee, even if it is not actually taking water so as to incur any volumetric component of the applicable monthly rate. Stub-ins shall not be considered activated taps.

*Actual costs.* All direct and indirect costs attributable to any project or undertaking. Actual costs to the City shall include its engineering, legal, labor, material, equipment, administrative and overhead expenses, and all direct payments to third parties, at cost.

*City.* The City of Central, Colorado, acting by and through its employees, agents, officers, directors, insurers and professional consultants.

*City system or City water system.* The plant, facilities, supplies, systems, water rights, assets and appurtenant property rights owned by the City which are used and useful for the furnishing of water service.

*Contractor.* Any person who performs any work, either for himself, herself or another, on any water facilities, public or private, within the City, including all subcontractors, agents, employees, officers and other representatives of such person.

*Customer or owner.* Any person who, whether solely or with others, owns real property which receives or is eligible to receive water service from the City. When property is owned by more than one (1) person, the term includes all owners thereof. As used in these rules and regulations, the term shall apply to such person only in connection with his or her ownership of any specific parcel of real property involved in any specific matter governed by this Chapter.

*Design standards.* The technical specifications and design and engineering standards, as now or hereafter constituted, adopted by the City Council, which prescribe the minimum technical standards and related requirements for the design, installation, construction, operation, use, maintenance, repair and replacement of water facilities within the City.

*Facility.* A component part of the City water system.

*License.* The written authority to make a tap for water service.

*Licensed premises or premises.* The land area and improvements thereto to which water service is limited under any particular license.

*Main.* Those City-owned pipes and appurtenant facilities used for distributing water along public streets, easements or rights-of-way deeded or licensed to the City.

*Main extension.* The construction of retail facilities of any kind whatsoever, wherever located, or the facilities themselves, including replacements and enlargements, which are designed and intended to serve particular local areas or land development, and which are intended to become or have become a part of the City water system upon acceptance by the City.

*Meter.* A device, appropriate to the premises serviced, installed to measure the amount of water passing through it, with an accuracy of between ninety-five percent (95%) and one hundred one percent (101%) of actual quantities delivered.

*Person.* Includes associations, corporations, firms, partnerships and bodies politic and corporate, as well as individuals.

*Record or as-built drawings.* A separate set of full-scale construction plans marked to indicate completely and accurately the field-installed condition of facility construction in progress or completed.

*Retail facilities.* City-owned water facilities, of any kind whatever and wherever located, which serve a particular portion of the City's service area in which property owned or being developed by the owner is located; new retail facilities are designed, constructed and installed by and at the sole cost of the owner and are conveyed at no cost to the City for operation and maintenance. Water distribution mains, with appurtenances, are typical retail facilities.

*Service lines.* All water pipes, fittings and appurtenances owned by the customer, which convey water from the City's main to the plumbing of the licensed premises. The dividing point between the City system and privately owned service lines is the the saddle/corporation stop.

*Stub-in.* A connection to a water main made for the purpose of installing a water service line prior to the paving of streets. Such connection shall include fittings necessary to extend the service line to the valve at the property line. Stub-ins shall not be considered activated taps.

*Tap.* The physical connection to a City main which, together with the license for the same, provides water service to any licensed premises.

*User.* Any person who takes water from the City water system.

### **Sec. 13-3. City system.**

(a) Ownership. The City exercises the responsibilities of full ownership of the existing City water system and shall only accept ownership responsibilities for additional facilities which have been formally conveyed to and accepted by the City.

(b) Operation and maintenance. The City operates, maintains, repairs and replaces the City water system. Such services include without limitation inspections of private premises to ensure compliance with this Chapter, in addition to periodic, systematic inspection and maintenance of City facilities. All inspections, observations, testing and reviews performed by the City are for the sole and exclusive benefit of the City. No liability shall attach to the City by reason of any inspections, observations, testing or reviews required or authorized by this Chapter or the design standards by reason of the issuance of any approval or permit for any work subject to the authority or jurisdiction of the City.

(c) Interconnections and cross-connections. No person shall connect any other water system to any component part of the City system, nor shall water from any other system be introduced or permitted to enter the City system, except with the express written approval of the City under written agreement approved by the City Council and the City Attorney. The City may immediately and without notice disconnect any unauthorized cross-connection or interconnection and charge the actual costs thereof to any person responsible therefor.

(d) Repair shut-offs. The City may, without notice and without liability to any person, suspend service or modify water pressure for the purpose of making repairs or extensions to the City system, for the purpose of making emergency repairs to the City system, or for other useful or necessary purposes.

### **Sec. 13-4. Extraterritorial service.**

Nothing in this Chapter shall limit the City's ability to provide services outside its legal boundaries under such terms and conditions as the City Council may determine. No such service shall be extended except by written contract, which may be included within an annexation agreement. No such service will be construed to impose upon the City any obligation to provide additional service outside of its legal boundaries, nor shall the existence of such service constitute an offer by the City to serve outside of its boundaries generally. Except as expressly provided by contract in specific cases, the City has no obligation whatever to provide any service outside of its legal boundaries.

### **Sec. 13-5. Connection required.**

(a) Requirement. Unless exempted by the City Council for good cause and in conformity with applicable statutes and regulations, all improvements requiring potable water shall be connected to the City system if City facilities are within two hundred feet (200') of the boundary of the parcel of property on which such improvements are located. Such connection shall be made or any necessary main extension commenced within sixty (60) days after written notice to the owner by the City, and any existing private water facilities shall thereupon be properly

emptied, cleaned, filled with sand or dirt, or otherwise disconnected in accordance with written instructions of the Public Works Department.

(b) Main extensions. The Public Works Department shall determine when main extensions are necessary. Necessary extensions shall extend to a point as determined by the Public Works Department.

(c) Exemptions. During the construction of any improvements, temporary toilet facilities may be used in accordance with the regulations of the Gilpin County Public Health Agency or of the Colorado Department of Public Health and Environment, but as soon as such improvement is connected to City facilities, such use shall be abandoned and all evidence of such use properly covered or disposed of.

**Sec. 13-6. Other water systems prohibited.**

(a) Supplies. No person shall furnish or supply treated water from any water system within the City except from the City water system.

(b) Use. No person shall take, use or consume any treated water within the City for any purpose from any water system other than the City water system.

*Division 2*  
*Conditions of Service; Licenses*

**Sec. 13-11. License required; application; penalty.**

(a) License required; application. No person shall cause or permit any connection to any City facility without first obtaining a license therefor as provided in this Article. Any person who desires to obtain new service to property within the City, or within an approved extraterritorial area, shall make written application therefor at the office of the City Finance Department upon the approved tap application form and such other forms as may be prescribed and furnished by the City. Such person shall also furnish such additional information about the premises as may be required by the City to calculate the estimated demand of such premises upon the City water system.

(b) License; authority. The approved tap application form shall constitute authority for a license; however, no license shall be deemed to be granted until the premises are recorded as an active account in the City's water billing system following the date on which the tap and service line has been inspected and approved by the City in accordance with Section 13-16 of this Chapter. Until a license is granted and written notification of the same is provided to the licensee, no person shall take water from the City system at or from such premises, and any use of the City system by or at such premises shall be deemed an unauthorized connection.

(c) Unauthorized connection; penalty. Any person who makes, causes, permits, solicits, aids or abets any other person to make or cause any connection to the City system without a proper license therefor is subject to a civil penalty in an amount equal to twice the amount of the

plant investment fee for the connection made, calculated as provided in Section 13-141 of this Chapter, in addition to any plant investment fee regularly imposed pursuant thereto for the connection when the same is made in conformity with this Chapter.

**Sec. 13-12. Approval standards; revocation.**

(a) Approval standards. Upon a determination that all of the following conditions exist or have been met with respect to the application, the City shall issue its authority for a license for the service requested:

(1) The written application and information submitted therewith is accurate, complete and proper as to form.

(2) The person making application has the authority or consent to do so from the owner.

(3) All applicable fees and charges imposed by or through the City are paid at the time of application.

(4) The property proposed for service is within the legal boundaries of the City or another area authorized for service by the City Council.

(5) The main on which the tap will be made has been accepted by the City and all conditions necessary under this Chapter for conditional acceptance by the City of facilities used or useful to serve the tap exist at the time application for service is made. Prior acceptance of such facilities by the City does not conclusively establish that this requirement is met.

(6) The City system is adequate to serve the proposed tap.

(b) Conformity with City standards. Notwithstanding any other provision of this Chapter to the contrary, the City may terminate or withhold licenses or approvals for service from any facilities, public or private, which do not conform to this Chapter, the design standards or any plan approvals.

(c) Revocation. The City may revoke any license, before or after the tap is activated, upon a determination that the application therefor contained false or inaccurate information and, but for such misinformation, the application would have been denied when made.

**Sec. 13-13. Expiration.**

(a) Except as provided by written agreement approved by the City Council, every license shall expire eighteen (18) months after the date of its issue unless the tap is made and activated within that time. Each license may be once extended for up to an additional eighteen (18) months upon approval by the City Council.



(b) Any activated tap for which the service fee remains unpaid for twelve (12) months shall be considered expired.

(c) Any owner whose license or tap expires may reapply for a license, and said application will be considered a new application for service, subject to the conditions set forth in Section 13-12 above.

#### **Sec. 13-14. Nontransferability of license.**

Each license applies only to the premises identified thereon and is not deemed in any sense to be personal property. No license may be transferred from one (1) premises to another without the written approval of the City, but a license shall be deemed to follow any transfer or sale of the fee ownership of the licensed premises.

#### **Sec. 13-15. Independent structures.**

(a) Each independent structure requiring water service shall be individually licensed and metered and served by a separate tap and service line unless the City, in the exercise of its reasonable discretion, determines that other means are more suitable in the operation of the City water system. For the purposes of this Section, an independent structure shall include single family detached units, single family attached (townhome) units, and commercial, retail or office units. Any City authorization for more than one (1) structure on a common service line, meter or tap must be approved by written resolution of the City Council, signed by the Mayor, and must specifically identify all structures to be served by the common service line, meter or tap. Each independent structure shall be served by its own service line and tap, and no connection to the City water system shall be made by extending the service line from one (1) premises to another premises, unless City authorization is obtained as set forth above.

(b) All properties receiving service from a common service line, meter or tap, as authorized by Subsection (a) above shall provide for a curb stop box at the common service line, accessible to Public Works Department personnel, and provide for individual shutoff capability at each individual structure. This individual shutoff may be a curb stop box or other apparatus that is under the control of the owner, and said owner will bear full responsibility for turning the water on or off as necessary.

(c) Upon receipt of an order to cure any installation not conforming to this Section, the owner of any independent structure in violation of this section shall be responsible for all costs of disconnecting the owner's structure from the common service line and installing a separate service line and tap. Unless all affected owners agree otherwise in writing, the owner of that part of the licensed premises closest to the tap, following the route taken by the existing service line, shall be entitled to keep the original tap, and the owner of each other structure shall be required at his or her sole expense to obtain a new and separate license for his or her premises. However, said owner shall not be required to pay a plant investment fee when the only reason for the new tap is to cure a violation of this Section. Such arrangements shall be completed within sixty (60) days after the date of the order to cure. Any violation of this Section which continues after that

date shall be deemed an unauthorized tap or service connection to the City system and the penalty set forth in Section 13-11(c) shall apply.

**Sec. 13-16. Installation of taps; fees.**

(a) When a tap is to be made, the customer shall excavate the site of the tap as directed by the City and notify the City when such excavation is ready for the tap to be made. The tap shall be made by a contractor duly licensed in the City at the expense of the owner.

(b) When the tap has been made, the customer shall install the water service line from the tap to a point a minimum of five (5) feet downstream from the curb stop, normally located on the customer's property line. The customer shall notify the City when this installation is complete and ready for inspection. The City shall inspect such installation and approve the same when it conforms to the design standards.

(c) The customer shall notify the City not less than five (5) business days before the date of tapping to schedule a time for the City's tapping work, and again for inspection of the installation of piping and curb stop. The customer shall pay a fee for City tapping and inspection services furnished pursuant to this Section, one (1) fee for each service, including re-inspection fees to be imposed if the site is not ready for the tap to be made or if any customer installation fails to pass an inspection, in an amount set forth in the City's fee schedule.

(d) Record drawing. The customer shall supply the City with a record drawing of the installation within two (2) weeks after the tap has been completed, showing the location of the tap, service line and curb stop box.

**Sec. 13-17. Reconveyance of easements.**

As a condition of continued service to any licensed premises, the owner of such premises shall, to the extent of the owner's legal ability, upon written request by the City, reconvey at no cost to the City any and all easements or other property interests covering City facilities used or useful to serve such premises which may have been lost due to the foreclosure of any senior lien of any description, by the failure of any description, or by the failure of the City's title thereto for any other reason.

**Sec. 13-18. Redevelopment; consolidation of taps.**

Whenever the customer desires to eliminate two (2) or more existing taps serving the site of a future project containing one (1) or more new buildings, the transferability of existing taps and credits for City plant investment fees to the new project shall be determined by the City on a case-by-case basis.

**Sec. 13-19. Owner-initiated suspension of service.**

On the written request of an owner, the City may suspend service to the owner's premises, provided that they are not occupied by persons other than the owner at the time the request is

made. On the effective date of such suspension, the City shall physically interrupt water service to the premises and shall not restore such service until requested in writing by the owner. During the suspension period, no person shall take water from the City system at or from such premises, and any use of the City water system by or at such premises shall be deemed an unauthorized connection. During the suspension period, the rates charged to the premises for water service will be the current base rate for monthly residential service, as then set forth in the City's fee schedule. The assessment of non-consumption based fees and charges shall continue during any suspension period. The owner shall be liable for all fees and costs associated with the suspension, including without limitation the disconnection and reconnection fees set forth in the City's fee schedule.

**Sec. 13-20. Sewer service requirement.**

(a) As a condition of receiving water service from the City water system, an owner within the corporate limits of the City must connect to the Black Hawk-Central City Sanitation District (the "District") for sanitary sewer service. The terms of such connection shall be determined by the Board of Directors of the District and shall conform to the rules and regulations of the District.

(b) Under special circumstances, the requirement to connect to the District may be waived or postponed by the City upon written recommendation from the Board of Directors of the District.

(c) Written notice setting forth the recommendations of the District and compliance therewith by the owner shall be received by the City prior to physical connection to the City water system by the owner.

*Division 3  
Main Extensions*

**Sec. 13-31. Required.**

Any owner subject to a notice to connect issued pursuant to Section 13-5 of this Chapter or who desires water service shall, at the owner's sole cost and expense, design, construct and install all new main extensions, including without limitation frontage extensions, reasonably required by the City to serve the owner's property. All such work shall be in conformity with and subject to the City's Comprehensive Plan, this Chapter, the design standards and City approval. In accordance with the provisions of this Chapter, the owner shall, at no cost to the City, convey to the City all main extensions constructed by the owner.

**Sec. 13-32. Approval required, improvements agreement.**

No owner shall commence any construction of a main extension without the prior written approval of the City. If required by the City, the owner shall enter into a written improvements agreement with the City setting forth any or all terms and conditions applicable to the main extension.

### **Sec. 13-33. Plan review and approval.**

No construction of any main extension shall begin until after the plans and design therefor have been reviewed and approved by the City as conforming with the City's Comprehensive Plan, this Chapter, the design standards and any other applicable standards, and until a preconstruction meeting has been held between the owner, the owner's contractor that will be performing work on the City water system, the Public Works Director, and other City staff as necessary. The City shall inform the owner in writing of the reasons for any disapproval of the plans and design. Upon approval of the plans and design by the City, the City will schedule the preconstruction meeting.

### **Sec. 13-34. Construction observation.**

The owner shall notify the City at least five (5) business days before commencing construction, and at any and all other times specified by the City in any plan approvals or otherwise, for observation, inspection or testing.

### **Sec. 13-35. Stop work orders.**

(a) Order. The City may revoke any approval for work and issue a stop work order upon a determination that the owner or the owner's contractor has violated or is about to violate any condition of any plan approval, any provisions of this Chapter, any provision of this Code, or any other standard, specification, rule or regulation imposed by the City. A stop work order shall take effect immediately upon the entry thereof by the City and notice to the owner or the owner's contractor, and shall remain in full force and effect until rescinded in writing by the City.

(b) Effect. It is unlawful for any person to do any work in violation of the terms of any stop work order issued pursuant to this Section, except such as may be permitted by the City in order to render the construction site safe and secure.

### **Sec. 13-36. Location.**

Main extensions shall be located only in easements deeded to the City, or in roads or streets which the City or the County has accepted for maintenance as a public right-of-way.

### **Sec. 13-37. Deeded easements.**

Deeded easements necessary to cover main extensions not located in public rights-of-way shall be granted at no cost by the owner to the City at such time and upon such terms as the City may reasonably require. To facilitate the City's preparation of appropriate easements or other appropriate instruments of conveyance, the property owner shall comply with the following minimum requirements:

(1) Legal description. The owner shall furnish the City with a legal description of all easement parcels to be granted by any conveyance instrument, consisting of a printed legal

description, certified by a land surveyor registered in the State, and an accurate survey drawing of each parcel, including north arrow and scale, tying each parcel to a survey land corner or corner of a platted parcel of land.

(2) Evidence of title. The owner shall furnish suitable evidence of title, consisting of a commitment for or a title insurance policy, a subdivision certificate or a written ownership and encumbrance report, dated within thirty (30) days before the date of submission to the City. Evidence of title must show all current mortgages, deeds of trust, liens and other encumbrances against the easement parcels to be conveyed to the City. The City may require reasonable evidence of the authority of the individual executing the conveyance instrument to bind the owner thereto.

(3) Release of encumbrances. The City may require a properly executed and acknowledged release or other suitable instrument to exempt an easement parcel from prior liens or encumbrances. If such is required, the City will not accept the main extensions or other facilities for maintenance until it receives all required releases. The City reserves the right to require additional or supplemental evidence of title after the release is recorded.

#### **Sec. 13-38. Easement acquisition costs.**

The owner shall be responsible for and shall pay all costs and expenses of whatever kind associated with the acquisition and approval of all easements required by this Article. These expenses may include those associated with eminent domain proceedings if required; however, this Section shall not be construed as imposing any obligation whatsoever upon the City to commence or prosecute any such action.

#### **Sec. 13-39. City main extensions.**

Notwithstanding any of the foregoing, the City reserves the right to extend water mains in any case in which it determines that such action may be in the best interests of the City and its constituents, upon such terms and conditions as the City Council may reasonably determine.

### *Division 4 Fees and Charges*

#### **Sec. 13-51. Purpose and liability.**

(a) Purpose. The purpose of the fees and charges authorized by this Chapter is to cover the costs of constructing, operating, administering, maintaining, repairing, replacing and expanding the City water system, including the repayment of debt and funding of reasonable reserves to accomplish any or all of said purposes, and for contingencies. The water system is operated through the City's Water Fund, which is an enterprise fund of the City. User fees and charges are set and established at a level designed to cover the costs associated with the City water system, as set forth above.

(b) Liability. The fees and charges provided in this Chapter are the personal, joint and several obligation of the owner of the property for which service is furnished or the charge made, but the full amount of any such fees and charges shall also be a perpetual lien against such property. The City assumes no responsibility for any agreement made between owners and tenants, regardless of how made and regardless of whether the City has notice thereof. Notwithstanding the foregoing, however, any system or plan review, observation, inspection, disconnection or reconnection fee shall also be the personal obligation of any person who orders or requests the City to perform such work, even though such person may have acted in a representative capacity when doing so.

(c) Current owner address. Each owner shall be required to provide the City Finance Department with the owner's current mailing address, whether within or without the City. Unless otherwise set forth in this Chapter to the contrary, all fees and charges related to the provision of water service to a licensed premises shall remain the personal, joint and several obligation of the owner of the property for which service is furnished.

**Sec. 13-52. System review fee.**

Any person who requests the City to review the feasibility, costs and methods of City service to a new development shall pay all of the actual costs incurred by the City to perform such review. If required by the City, the person requesting the review shall deposit an amount reasonably estimated by the City to cover said costs when the request for review is made. The City need not perform or continue any review services for such person without an adequate amount to pay the costs thereof being on deposit. Any unused portion of the deposit will be refunded, and any deficit will be invoiced to the person liable therefor within forty-five (45) days after the review is completed or terminated.

**Sec. 13-53. Disconnection and reconnection fees.**

Whenever any service is physically disconnected, interrupted or reconnected by the City for any reason, the customer or any other person liable therefor shall pay a fee in an amount set forth in the City's fee schedule.

**Sec. 13-54. Plan review fee.**

Whenever any provision of this Chapter requires City review of plans and design, the person liable therefor shall reimburse the actual cost incurred by the City for such plan review within thirty (30) days following the date on which the City mails or otherwise delivers the invoice. At the time the plans or designs are presented, the person requiring such plan review shall deposit with the City an amount reasonably estimated by the City to cover said costs when the request for review is made. If an additional deposit becomes necessary in order to cover the estimated actual cost of the plan review, the City may estimate an additional amount required for deposit and collect the same from the person requiring the plan review before incurring plan review costs in excess of amounts already deposited. Any unused portion of the deposit will be refunded to the person who paid the same within forty-five (45) days of completion of the plan review. Any

deficit will be invoiced to and paid by the person requesting the plan review within thirty (30) days of the date on which the City mails or otherwise delivers the invoice.

**Sec. 13-55. Inspection and observation fees.**

Whenever any provision of the design standards or this Chapter requires or provides for observation or inspections of any kind by the City, the person liable therefor shall reimburse the actual costs incurred by the City for such observation or inspection within thirty (30) days following the date on which the City mails or otherwise delivers the invoice. If required by the City, the person requesting or needing the observation shall deposit an amount reasonably estimated by the City to cover said costs when the request for inspection or observation is made. Any unused portion of the deposit will be refunded, and any deficit will be invoiced to the person liable therefor within forty-five (45) days after the observation. Any deficit will be invoiced to and paid by the person requesting the observation or inspection within thirty (30) days of the date on which the City mails or otherwise delivers the invoice.

**Sec. 13-56. Cure charges.**

Whenever the City cures any defect, deficiency, nonconformity or violation as provided in this Chapter, any person who is responsible under this Chapter to cure such condition, or whose act or omission resulted in the necessity for the curative action, shall be liable and obligated to reimburse the actual costs incurred by the City for such undertaking.

**Sec. 13-57. Civil fines pass-through.**

Any person who, by act or omission, causes the City to incur any fine or penalty assessment imposed by state or federal authorities shall be fully liable to the City for the total amount of the fine so assessed.

**Sec. 13-58. Billing; late charges and interest; collection.**

(a) Water rates and charges imposed and established in this Chapter, together with any other charges provided elsewhere in this Code to be invoiced with water rates, shall be billed monthly, in arrears. Charges or fees for disconnection, reconnection, and owner-initiated meter reads imposed under this Chapter shall be invoiced on the first statement following completion of the work, and shall thereupon be deemed for all purposes to be charges for water service. If payment in full is not received by the City on or before twentieth (20<sup>th</sup>) day of the month in which the charges were billed, they shall be deemed delinquent.

(b) All accounts for water shall be kept in the name of the owner of the property and the owner or his or her legal authorized agent shall be held responsible for water bills.

(c) As set forth in Subsection (a), all water bills shall be due on or before the twentieth (20<sup>th</sup>) calendar day of the month in which the bill for water service is mailed. A check (including bank drafts and other forms of non-cash payment) for the amount due will be accepted but will not be credited until the check has cleared the bank and the amount is credited to the

City's account. If any check presented to the City for payment of fees and charges is returned from the bank as a result of no payment due to insufficient funds or any other reason, such check amount shall be collected, together with an administrative processing charge in an amount set forth in the City's fee schedule, in the same manner as provided in Subsection (d) of this Section.

(d) Delinquencies, penalties and collection. Any bill not paid in full on or before the twentieth (20<sup>th</sup>) calendar day of the month in which the City has prepared and mailed the bill shall be deemed delinquent. The City Manager may, in his or her sole discretion and upon written request of the delinquent account holder showing good cause, waive all or part of any penalty imposed hereunder for failure to timely pay any water bill. In the event an account is delinquent, the City may initiate the following late fee, interest and collection procedures:

(1) The City shall assess interest on any delinquent amounts on a monthly basis in the amount of one percent (1.0%) per month or twelve percent (12%) per annum.

(2) Thirty (30) days delinquent. The City shall assess a late fee equivalent to ten percent (10%) of the delinquent bill amount and shall mail, by regular mail, to the owner at his or her billing address, a notice of delinquency. The notice shall notify the property owner that he or she has thirty (30) days from the date of said notice to pay the total amount due, including accumulated charges, fees and interest, in full, in cash or certified funds.

(3) Sixty (60) days delinquent. If the delinquency and all accumulated charges are not paid in full within thirty (30) days of the date of notice provided under subparagraph (2) above (sixty (60) or more days delinquent from the original due date), the City shall assess a late fee equivalent to twenty percent (20%) of the delinquent bill amount and shall send a certified letter for the total amount due, including all accumulated charges, fees and interest. The certified letter shall notify the owner that the owner has thirty (30) days from the date of the letter to pay the total amount due, in full, in cash or certified funds.

(4) Ninety (90) days delinquent. If the delinquency and all accumulated charges are not paid in full within thirty (30) days of the date of the certified letter provided under subparagraph (3) above (ninety (90) or more days delinquent from the original due date), the City shall assess an additional administrative fee in an amount set forth in the City fee schedule in addition to all accrued interest authorized under subparagraph (1) and the late fees authorized by subparagraphs (2) and (3).

(5) At any time after an account becomes delinquent for sixty (60) days or more, the City may terminate water service to the property. The City Finance Department shall send by regular mail to the owner of the property a notice advising that, if full payment is not received by a specified date, said date to be not less than ten (10) days after the mailing date of the letter, a City employee shall personally deliver to the property a red tag, said tag to be fastened to an entrance of the premises. The red tag shall demand full payment of the delinquent bill within two (2) business days following the date of delivery of the red tag. If payment is not received by the



specified date, water service may be terminated and, if terminated, shall not be reinstated until payment of all outstanding amounts due have been paid to the City, including the billed amounts for service and usage and all accrued interest and late fees, and including the termination fee and the reconnection fee, in the amounts set forth in the City fee schedule. The mailed notice shall specify when the owner or customer may appear before the City Finance Director or his or her designee to contest the alleged delinquency. If payment is not made within the time specified in the red tag and if the termination or collection procedure is not stopped by the City Finance Director as provided below, water service to the property may be terminated and remain terminated until all applicable fees and charges have been paid. Unless a previous check has been returned as a result of insufficient funds, a check for the amount due will be accepted but will not be credited until the check has cleared the bank and the amount is credited to the City's account.

(6) The rates and charges due and unpaid including any penalties authorized hereunder, as well as an administrative fee for recording a lien in an amount as set forth in the City fee schedule, may be certified by the City to the Board of County Commissioners of the County of Gilpin and, until paid, shall constitute a lien against the served property for all delinquent fees, charges, interest and penalties. All such amounts due constitute a lien which is prior and superior to all other liens, claims, titles and encumbrances, whether prior in time or not, and shall remain a lien on the property from the date such fees are delinquent until the same are paid. The failure of the City to record such lien with the County shall not affect the validity or enforceability of the City's statutory lien rights or any other remedies the City may have to collect the amounts due and owing. The property owner shall be liable for all water services furnished and fees and charges for said property. The lien against the property or liability against the owner may be enforced by the City by action of law or an action to enforce the lien. The City shall in no event be required to look to any person other than the owner of the licensed premises served by the water system.

(7) The owner or other person liable for such fees and charges shall also be obligated to pay any and all costs of collection, including reasonable attorneys' fees and court costs, actually incurred by the City

(8) If the owner or customer of the delinquent premises appears before the City Finance Director and presents evidence satisfactory to the City Finance Director that the alleged delinquency is erroneous, the City Finance Director or his or her designee shall have the authority to stop all procedures that may have been initiated for the termination of services or collection of delinquent amounts. The decision of the City Finance Director shall be final and shall be put in a written, dated format.

(9) No error or mistake in City records or billings, past or present, shall constitute an estoppel or waiver or otherwise prevent the City from billing, collecting or enforcing the correct amount of any amount owed.

(10) No change in ownership or occupancy shall affect the application of this Section or any of the provisions of this Section, and the failure of any owner to learn that he or she purchased any property against which a lien for water service exists shall in no way affect the lien against any property for such payment in full or be the basis for any claim of any kind whatsoever against the City for refusing to turn on water service until all charges authorized hereunder are paid in full.

(11) Record of payments. The City will maintain records of all water fees and charges paid and an up-to-date record of delinquent charges, in accordance with accepted accounting procedures.

(e) Charges or fees for plan review, construction observation, repair and cure of defects shall be invoiced separately within forty-five (45) days following the completion of the work and shall thereupon be deemed for all purposes to be charges for water service. If payment in full is not received by the City within thirty (30) days of the invoice date, the City shall follow the late fee, interest and collection procedures set forth in Subsection (d) above.

(f) If any owner's account is delinquent three (3) times or more during the preceding twelve (12) month period, the City shall follow the late fee, interest and collection procedures set forth in Subsection (d) above, except that at any time after the habitually delinquent account becomes delinquent for ten (10) days or more, the City may terminate water service to the property, notwithstanding the time period set forth in Subsection (d)(5) above.

(g) Any and all monies received by the City as payment for City water system charges shall be applied first to delinquent amounts for domestic water service, and then to current amounts for domestic water service, in the order stated, the term *charges* to include penalties where applicable.

(h) If utility charges are delinquent for a period of twelve (12) months or more, the City may, in accordance with Section 13-13(b) of this Chapter, consider the tap abandoned and the license expired. Any owner whose license or tap expires may reapply for a license, and said application will be considered a new application for service subject to the conditions set forth in Section 13-12 of this Chapter. Any owner whose tap is abandoned shall be required to apply for a tap abandonment permit as required by Section 13-111(e) of this Chapter.

(i) In addition to and without waiving any other available remedies, the City may also certify any and all delinquent charges imposed pursuant to this Chapter, together with penalties and accrued interest, to the County Treasurer, to be collected in the same manner as are general taxes.

#### **Sec. 13-59. Withholding approval and permits.**

Notwithstanding any provision of this Chapter to the contrary, the City may withhold permits, approvals or other authorizations from any person until all sums then due to the City from such person pursuant to this Chapter are paid in full.

*Division 5*  
*Administration and Enforcement*

**Sec. 13-81. Prohibited acts.**

It is unlawful for any person to cause, attempt to cause, permit, solicit, aid or abet any other person to cause or attempt to cause, by act or omission, any of the following:

- (1) Fail or refuse to comply with any requirement imposed in this Chapter.
- (2) Make any connection to any City facility without a required license or permit.
- (3) Take or use water from the City system without a valid license or permit therefor, including the taking or use of water from a licensed premises for service to any premises not covered by the license.
- (4) Take or use water from the City system in violation of the terms of any license or permit, including the supplying of water from a licensed premises for service to any other premises not covered by the license.
- (5) Supply, take or use treated water within the City from any water system other than the City system.
- (6) Cause or allow the escape of water from the City system in such a way that such water is wasted or lost to beneficial use.
- (7) Take or use water from the City system in violation of any order of the City relating to the curtailment or conservation of water.
- (8) Make any physical connection between the City system and any other water system without the written approval of the City.
- (9) Take, use or consume any water from the City system in violation of a suspension or termination order under this Chapter.
- (10) Open or enter into any City facility without City authorization.
- (11) Construct, install or place any structures or improvements of any kind, surface or subsurface, temporary or permanent, or plant any tree, woody plant or nursery stock of any kind within the boundaries of any City easement in violation of the terms or conditions of such easement without express written authorization from the City. For the purposes of this provision, the term *structures* includes but is not necessarily limited to improved walkways, roads, curbs, gutters, sprinkling systems, other utility facilities including those for cable TV, satellite TV, fences, walls, pools, ponds, water features, athletic playing fields or courts, and any and all earthen improvements such as berms and grades providing lateral support to any

building or other structure, whether or not such structure is itself within the boundaries of the right-of-way or easement.

(12) Interfere with employees or agents of the City in the performance of their duties.

(13) Bypass, break, damage, destroy, remove, uncover, alter, deface or otherwise tamper with any portion of the City system, any backflow prevention device or any meter whose purpose is to measure water flows.

(14) Perform any act that obstructs or is reasonably likely to obstruct the flow of water in the City system.

(15) Make or file with the City any statement, report or application while knowing or having reasonable cause to know the same is false or substantially inaccurate; or omitting any material fact in connection with such statement, report or application when the omission leaves the remainder of the information given misleading or substantially inaccurate.

(16) Remove, conceal, deface, damage or destroy, without authorization, any written notice or order posted, delivered or issued by the City, including without limitation stop work orders, suspension or termination orders and cure orders.

#### **Sec. 13-82. City agents and representatives.**

Employees or agents of the City designated by the City Council shall have full authority to act for and on behalf of the City in any matter affecting the administration or enforcement of this Chapter.

#### **Sec. 13-83. Right of entry.**

Duly authorized representatives of the City, bearing proper credentials and identification, shall be permitted to enter upon all property at reasonable times for the purpose of inspecting, observing, measuring, sampling and testing in connection with the enforcement and administration of this Chapter, and for the performance of any duty or function authorized to or required of the City pursuant to this Chapter.

#### **Sec. 13-84. Suspension or termination of service.**

In addition to and without waiving any other available remedy, the City shall have and may exercise the right to suspend or terminate service to any property where or as to which a violation of this Chapter, or of any license, permit, approved plans or applicable contract occurs or continues, in accordance with the following:

(a) Termination or suspension. The City may immediately terminate service upon revocation of any license or permit or upon a violation of Section 13-112(b) of this Chapter, and may proceed to suspend service when such suspension is necessary to stop or prevent an imminent or substantial endangerment to the health or welfare of persons or to the environment,

or interference with or damage to City facilities, or when suspension is necessary to stop or prevent any use or escape of water which presents or may present a risk of substantial loss of water or any imminent and substantial endangerment to the property, health or welfare of any person. The City shall not suspend or terminate the service of any customer for non-payment of any sum due for water service except upon compliance with Section 13-58(d) above. Assessment of non-consumption based fees and charges will continue during any suspension period.

(b) Reinstatement of suspended service. Any suspension shall be rescinded by the City upon a determination that the deficiency forming the basis for such suspension has been cured and that no further or other nonconforming conditions or uses of the City system are evident on the property. The City shall not reinstate service until the person requesting reinstatement has paid the full amount of any applicable disconnection and reconnection charges imposed under Section 13-53 above, all actual costs incurred by the City in the process of suspending and reinstating service, and any and all other amounts then due to the City from such person pursuant to this Chapter.

#### **Sec. 13-85. Cure of violations.**

(a) Order to cure. If the City determines that any facilities are not in conformity with this Chapter, the design standards or any plan approval, or that the terms of any easement or other agreement between the City and a customer are being violated, it may give written notice thereof to the customer at the service address or any other address for such person known to the City. Such notice to cure shall specify the nonconformity, direct the customer at the customer's cost to perform specified curative work and specify the period of time determined by the City to be reasonably necessary for completion of the curative work.

(b) City cure at customer's cost. If the customer fails within the period specified in the written notice to proceed to cure the nonconformity stated therein, the City may, in addition to and without waiving any other remedy, perform the work and charge the customer for its actual costs incurred in connection therewith.

#### **Sec. 13-86. Appeals.**

(a) Any orders, directives or decisions of City employees or agents relating to the administration or enforcement of this Chapter may be appealed in writing to the City Manager within ten (10) days after the effective date of the order, directive or decision.

(b) In order for the City Manager to agree to hear the appeal, the notice of appeal must sufficiently demonstrate that the order, directive or decision of a City employee or agent relating to this Chapter involves an erroneous interpretation of this Chapter.

(c) The City Manager shall have fifteen (15) days following the date on which the written notice of appeal is filed to determine whether the notice of appeal establishes the required grounds for appeal. If the City Manager determines the notice of appeal does not establish the required grounds for appeal, the City Manager shall reject the appeal and inform the person

appealing the order, directive or decision of the City employee or agent that such order, directive or decision is the final decision of the City. The City Manager will notify the appellant in writing if the appeal is accepted.

(d) Nonpayment appeal. If the matter involves a proposed suspension or termination of water service for non-payment of fees or charges due, water service will be reinstated while the appeal is pending if the owner or authorized agent deposits one hundred percent (100%) of all amounts then outstanding on the owner's account with the City Finance Department and pays current bills. If no such deposit is made to the City Finance Department, service may be suspended or terminated.

(e) City Manager's decision. If the City Manager accepts the appeal, the City Manager shall have thirty (30) days after conclusion of the appeal hearing to enter a written order affirming, reversing or modifying the previous order, directive or decision of the City employees or agents, and shall inform the appellant of the order by U.S. mail. If the City Manager's decision involves a suspension or termination of water service for non-payment of fees or charges due, and the decision is against the appellant, the Finance Department shall be specifically authorized to use the funds on deposit with the City under Subsection (d) above to cure any and all deficiencies on the account. Any portion of the deposit due to be returned to the owner or appellant, if any, shall be returned by the City to the owner or appellant within thirty (30) days following the date of the City Manager's written decision.

#### **Sec. 13-87. Civil damages.**

In addition to and without waiving any other available remedy, the City may recover civil damages from any person liable to the City under the laws of the United States, the state, or the City as a result of any violation of this Chapter or other unlawful act or omission. Such damages shall include the City's actual costs of discovering, investigating, curing, mitigating and repairing the consequences of such violation or other unlawful acts or omissions.

#### **Sec. 13-88. Injunctive relief.**

In addition to and without waiving any other available remedy, the City may seek injunctive relief from any act or omission which violates this Chapter or which otherwise jeopardizes the property or health of any person, including the City.

#### **Sec. 13-89. Remedies cumulative.**

The remedies available to the City under this Chapter and under state law shall be deemed cumulative, and the utilization by the City of any single such remedy or combination thereof shall not preclude the City from utilizing any other remedy or combination thereof.

## **ARTICLE II**

### **Water System Regulations**

#### *Division 1* *General*

#### **Sec. 13-101. Incorporation of standards by reference.**

Water service furnished by the City is subject to the provisions of the Federal Safe Drinking Water Act, and regulations promulgated pursuant thereto, as they exist as of the effective date of these rules and regulations and as subsequently amended from time to time. To the extent that these or similar standards are imposed, administered and enforced in Colorado by the state pursuant to the Colorado Primary Drinking Water Regulations (5 CCR § 1003-1 *et seq.*), water service furnished by the City shall be subject to those provisions as they exist as of the effective date of these rules and regulations and as subsequently amended from time to time. Such provisions are incorporated into this Chapter by reference in all particulars, and made a part hereof as if set forth herein verbatim to the extent that such provisions may apply to or affect the design, construction, installation, operation, maintenance or use of the City system.

#### *Division 2* *User Requirements*

#### **Sec. 13-111. Service lines.**

(a) Construction. Separate and independent service lines, together with the tap and the extension from it to the water meter, shall be designed, installed and constructed by the customer at the customer's sole cost and expense for every improvement requiring water service. Such service lines and any other water facilities located on the licensed premises shall be designed in accordance with the design standards and shall be installed and constructed in accordance with plans and designs approved by the City.

(b) Ownership, maintenance. Service lines are owned solely by the customer. Subject only to the provisions of Section 13-112 below, the customer shall be exclusively responsible for maintaining, repairing and replacing all plumbing fixtures, water-using appliances and pipes, including the service line, on the customer's side of the curb stop box. The customer shall cause any and all leaks or other nonconformities in the customer's privately owned facilities to be repaired promptly at the customer's sole expense. The customer shall further ensure that the meter pit or curb stop box and the water shut off from the main on the customer's service line is free from any materials which may obstruct or hinder access thereto by authorized personnel. The City may repair or otherwise cure any violation of this Subsection and charge the customer the costs thereof as provided in this Chapter, but nothing in this Section shall obligate the City to effect any repairs or curative work on the customer's service line.

(c) City relocation. When proper management, operation or maintenance of the City water system requires, the City may relocate, adjust, repair or replace the service line and fittings

through which a customer receives water service, at the City's expense. All service lines and fittings so relocated shall become the property of the customer when installed.

(d) Responsibility for damage. The City is not responsible or liable for damage from any cause whatsoever to privately owned piping, fixtures and water-using appliances, and no customer is entitled to reimbursement for damages or payment of refunds by reason of pressure changes or stoppage of the flow of water through the City system. The protection of water-using devices and systems which require limited or sustained water pressure or a continual water supply is the sole and exclusive responsibility of the owner, and the owner shall provide suitable protection devices for such apparatus at the owner's sole cost and expense. Further, the customer shall be solely responsible for all damage to persons or property resulting from leaks on the customer's service line or from any apparatus owned by the customer.

(e) Abandonment. No person shall abandon any service line or connection without first obtaining a written permit therefor. The customer shall, at the customer's sole cost, uncover the service line and effectively seal the service line or connection with a plug as directed by the City.

#### **Sec. 13-112. Water meters.**

(a) Requirement. Every licensed premises shall be required to have a water meter of a size, type and quality approved by the City to be read for billing purposes. Such meter shall be owned by the owner. For existing premises without water meters as of December 31, 2010, the cost of the meter shall be borne equally by the City and the owner pursuant to a City adopted cost-sharing policy; installation shall be performed by the City at the City's expense. For existing non-residential premises without water meters as of December 31, 2010, the cost of the meter shall be borne by the owner and installation shall be performed by the City at the owner's expense. All new premises after December 31, 2010 shall be required to install water meters of a size, type and quality approved by the City at the owner's expense. Removal of water meters shall be performed only by the City.

(b) City access to property. An owner shall allow the City access to the owner's property for meter installation, inspection and maintenance, or replacement upon seventy two (72) hours advance written notice by the City. The City may terminate water service to a property in accordance with Section 13-84 of this Chapter if the owner refuses access or otherwise fails to cooperate with respect to meter installation, inspection and maintenance, or replacement.

(c) Location. All meters shall be located as provided in the design standards.

(d) Maintenance. In order to provide for the accurate measurement of water through each meter, the City maintains all meters which are read for billing purposes against ordinary wear and tear. Meters in need of maintenance, testing or replacement because of obsolescence or normal wear and tear will be removed and replaced with a properly maintained and tested meter of corresponding size and type. The cost of meter repair or testing, as well as the purchase of replacement meters, shall be borne entirely by the owner. Installation, removal and associated costs shall be borne entirely by the owner.



(e) Damage. The customer shall be financially responsible for any damage to or loss of the meter caused by vandalism, malicious mischief, theft, freezing, hot water, tampering, casualty other than ordinary wear and tear, or any willful act, neglect or carelessness of the owner or occupant of the licensed premises. When a meter has been damaged as a result of any of such causes, the customer shall bear the entire expense of removing, repairing, resetting and replacing the customer's meter.

(f) Relocation. When required for the proper management, operation or maintenance of the City system, the City may, at its expense, relocate meters or modify meter settings.

(g) Tampering. All meters, meter pits, the curb stop box, and the water shut off from the main must be kept free of obstructions or any materials which may obstruct or hinder access thereto by authorized personnel. It shall be unlawful to tamper with, deface, remove, manipulate, alter or affect the functionality of a water meter or water shut off from the main.

(h) Annual inspection. Annual inspection of meters may be conducted by the City.

#### **Sec. 13-113. Backflow prevention required.**

(a) An approved backflow prevention assembly, appropriate to the degree of hazard, as more fully provided for below, shall be installed on each service line at the owner's expense, downstream from the meter where practicable, but in all cases upstream from the first branch line leading off the service line, wherever:

(1) Industrial fluids, process waters or other substances are handled on the premises in such a fashion as to create an actual or potential hazard to the public water system.

(2) The premises have:

(A) Internal cross-connections that cannot be permanently corrected or controlled;  
or

(B) Plumbing and piping arrangements such that access to all portions of the premises is not readily available for inspection purposes, thus making it impractical or impossible to ascertain whether dangerous cross connections exist.

(3) The Public Works Director has given written notice to the owner to install an approved backflow prevention device or devices at the premises.

(b) The type of protective assembly required under Subsection (a) above shall be determined based upon the degree of hazard, in accordance with the system specifications.

(c) Failure by a customer to install, inspect, test or maintain any required backflow prevention assembly as required by this Section, or evidence that a required backflow prevention assembly has been unlawfully removed or bypassed or that an unprotected cross-connection

exists on the premises, shall constitute reasonable cause for exercise of any or all of the remedies provided under this Chapter, including without limitation the immediate suspension or termination of service to the premises.

(d) No provisions of this Article exempts the owner from the cross-connection control provisions for internal water distribution systems as contained in the International Plumbing Code, which has been adopted by reference in Chapter 18, Article III of this Code.

**Sec. 13-114. Backflow prevention equipment requirements; evidence of approval/conformity.**

Any backflow prevention assembly required by Section 13-113 above shall be a model and size approved by the City as having been manufactured in full conformance with the standards established by the latest version of the Colorado Department of Public Health and Environment Cross-Connection Control Manual, ASSE or USC FCCC & HR specifications, and the system specifications. Final approval of the backflow prevention assembly for each premises required to have such equipment shall be evidenced by a certificate of approval issued by an approved testing laboratory and the City.

**Sec. 13-115. Inspections; testing.**

(a) All newly installed backflow prevention assemblies shall be inspected and tested at the time of installation. At each premises where backflow prevention assemblies are installed, the customer shall have certified inspections and operational tests made at least once each year. In cases where the City determines the health hazard to be sufficiently great, certified inspections may be required at more frequent intervals.

(b) Inspections and tests shall be at the expense of the customer and shall be performed by the assembly manufacturer's representative, the City or a certified tester approved by the City. The customer shall notify the Public Works Department in advance when tests are to be undertaken in order to allow the tests to be witnessed by the customer and City representative. Backflow prevention assemblies shall be repaired, overhauled or replaced at the expense of the customer whenever said assemblies are found to be defective.

(c) Records of backflow prevention tests, repairs, overhauls and replacement shall be kept by and made available to the City.

**Sec. 13-116. Applicability of backflow prevention regulations.**

All backflow prevention assemblies installed that do not meet the requirements of Section 13-114 above but were approved for the purposes described herein at the time of installation and that have been properly maintained, shall, except for the inspection and maintenance requirements in Sections 13-114 and 13-115 above, be exempt from the requirements of said Sections so long as they will adequately protect the City water system. Whenever an existing assembly is moved from its location or requires more than the minimum maintenance, or when

the City determines that it is not performing adequately to protect against health hazards, the unit shall be replaced by an approved backflow prevention assembly.

**Sec. 13-117. Water restrictions; violation; penalty.**

(a) The City Council may by resolution or ordinance adopt, amend, impose and suspend water conservation and curtailment orders and other rules and regulations concerning the delivery and use of potable water within the City.

(b) A violation of any order, rule or regulation adopted pursuant to this Section shall constitute a prohibited act under this Code, subject to the general penalty provisions in Section 1-72 of this Code. Nothing herein shall be construed to prohibit the City from pursuing any additional remedy available under this Chapter or state or federal law in the case of such a violation.

**Sec. 13-118. Hydrant Use and Water General.**

(a) Authorized use. The only use for which water may be taken from hydrants without a permit is for the fighting of fires.

(b) Water to be used for purposes other than fighting fires such as construction water, temporary irrigation use, or out-of-city water hauling may be withdrawn from the City's Water General system after establishing an account to do so with the City Finance Department and prepaying the applicable fees. The rates for purchase of water from the Water General will be established by ordinance of the City Council and shall be included in the City's fee schedule. Any person withdrawing water from a hydrant or the Water General without the required written authorization, through tampering or otherwise, shall be subject to a fine of up to One Thousand Dollars (\$1,000.00), in addition to any other fees and penalties authorized by this Chapter. To the extent that the City may reasonably estimate the amount of water taken by a person illegally from a hydrant or the Water General, such person shall also pay three hundred percent (300%) of the normal applicable rate applicable to such water usage.

**Sec. 13-119. Tap and meter sizing; increases.**

(a) Sizing. The size of the meter shall be determined by the customer, subject to the approval of the City, provided that the size of the meter serving any premises shall not be larger than the size of the tap.

(b) Subsequent increases. An application for an increase in the size of any existing meter shall be treated as an application for new service to the extent of the increase. A customer who requests an increased service which is sufficiently large to require a main extension is subject to the provisions of this Code for both water and sewer facilities.

### **Sec. 13-120. Stub-in.**

An agreement may be issued for a stub-in in order to allow the installation of a service line prior to the paving of streets. A stub-in shall include all fittings and pipe necessary to extend the service line to and including a valve at the property line. Use of water from a stub-in is prohibited, and any taking of water from a stub-in shall cause the agreement therefor to be canceled. The owner shall be required to execute a stub-in agreement upon a form provided by the City. Once a stub-in has been converted to a tap, it is no longer considered a stub-in. Stub-ins shall be valid only for a period of two (2) years from the date of application, after which, if the stub-in has not been converted to a tap, the agreement shall be canceled. Issuance of agreements under this Section does not guarantee that water service will be activated to the premises, nor shall it be construed to give any preference for activated service.

### **Sec. 13-121. Voluntary termination.**

Any customer desiring to have water service terminated shall apply to the City for a cut-off permit. Upon approval thereof, the customer shall at the customer's sole expense physically disconnect the customer's service line from the main and plug the main as directed by the City. From and after the City's inspection and approval of the physical disconnection, the City shall not assess any service charges for the property so terminated. Any reinstatement of a service terminated pursuant to this Section shall be treated as an application for new service, except that if reinstatement takes place within eighteen (18) months after disconnection, credit shall be allowed against the then-current amount of the plant investment fee for the amount of the plant investment fee for service at the premises in effect at the time of termination.

### **Sec. 13-122. Test samples.**

Any user desiring a sample and test of water taken from the City system for the purposes of determining metals content shall coordinate the same directly with the City's contractor and shall be solely responsible for paying all costs thereof.

### **Sec. 13-123. Fire protection.**

The right to tap a City main or to take and use water from the City system for private fire protection service other than from a hydrant is granted only upon all of the following conditions:

(1) License. The owner has secured a license for such tap or service from the City and has paid an administrative fee in an amount set forth in the City's fee schedule.

(2) From service line. If the water for fire protection is to be supplied through the same service line through which water is supplied for other purposes for the licensed premises, the fire protection facilities shall include a meter and backflow prevention equipment conforming to the design standards, and shall be installed so as to prevent the use of water through such fire protection facilities for any purpose other than fighting fires.

(3) Adequacy of service. The City assumes no obligation or responsibility for adequacy of private fire protection service.

(4) Limited use. The only use for which water may be taken from private fire protection facilities under license is to extinguish fires. Any other use of water, except for routine testing, from such facilities shall be deemed unauthorized use of water for which a license for fire protection service may be suspended or terminated.

(5) Flow detection. Fire protection systems served by a service line dedicated to fire protection shall be equipped with a flow detection device and backflow prevention equipment as specified in the design standards.

#### **Sec. 13-124. Yard hydrants.**

No yard hydrant or standpipe will be allowed at any premises, with the exception of yard hydrants providing additional fire protection as required by building and fire codes. Any such existing yard hydrant must be abandoned upon written notification by the City.

### *Division 3 Fees and Charges*

#### **Sec. 13-141. Plant investment fee.**

(a) For the purposes of defraying the costs of furnishing capital improvements and treatment capacity for the City system, there is hereby imposed a plant investment fee which shall be due and payable in full at the time application for a new license is made, or at such time as an increase in the tap size for the premises is determined. The amount of any additional plant investment fee due as a result of an increase in the tap size shall be calculated based on the then-current plant investment fee. The plant investment fee is in addition to any and all other fees and charges associated with the installation of a water service. The customer shall be required to obtain and pay the costs of all street cut and other permits, and to pay the costs of all plumbing, paving, inspection and other work and materials associated with making the tap.

(b) For all services, the plant investment fee shall be an amount set forth in the City's fee schedule. In accordance with Section 12.3 of the City's Home Rule Charter, the plant investment fee shall be established by Ordinance.

(c) When the only reason for the authorization of a new tap is to cure a violation of Section 13-15 of this Chapter, the plant investment fee associated with such tap shall be deemed to have been paid and shall not be charged to the applicant for such tap.

(d) Except as may otherwise be established by contract approved by the City Council, plant investment fees for premises outside the City limits shall be two hundred percent (200%) of the inside-City rates.

(e) If a license expires, the owner is entitled to a refund of the plant investment fee previously paid for the tap, less an administrative fee set forth in the City's fee schedule. Interest shall not be paid on expired license fees.

**Sec. 13-142. Water rates and fees.**

(a) The City shall from time to time set water rates and charges by Ordinance, as provided in Section 12.3 of the City's Home Rule Charter. All other fees imposed by this Chapter shall be adopted by resolution of City Council and included in the City's fee schedule. For the purposes of operating, maintaining, repairing and replacing the City water system, the rates and fees authorized by this Section are hereby imposed upon the persons and property liable therefor pursuant to this Chapter.

(b) Rates for premises whose characteristics are inconsistent or incompatible with the assumptions upon which the rates in Subsection (a) above are established shall be fixed by the City Council by Ordinance, in a fair, reasonable and nondiscriminatory manner, taking into account the burden imposed by such uses upon the City system, and shall become effective upon written notice to the customer. Any rates so fixed shall be subject to change at any time, in the discretion of the City Council.

(c) Except as may otherwise be established by contract approved by the City Council, rates for services outside the City limits shall be two hundred percent (200%) of the inside-City rates.

(d) If the City determines that the meter serving any premises has become inaccurate or has been bypassed or tampered with, or if a meter reading cannot be obtained due to obstruction or malfunction, the City shall adjust the billing account for that premises. In addition to the service charges, a penalty fee in an amount set forth in the City's fee schedule may be assessed and billed in each affected billing period. If such condition was caused by or resulted from willful or intentional bypassing, tampering or unauthorized metering as provided in Section 40-7.5-101 *et seq.*, C.R.S., as amended, the City may assess treble damages and collection costs as authorized by Section 40-7.5-102(2), C.R.S., as amended.

**Sec. 13-143. Lost water charge.**

Water losses attributed to service lines located between the curb stop box and the water meter, including but not limited to water losses attributable to service line freeze/breaks, broken irrigation lines, or inadequately protected service lines, will be estimated by the Public Works Department and the consumption charge therefor will be billed to the customer. Whenever the City, at the request of a customer, shuts off water at a premises in order to prevent additional or further water losses, a charge in an amount set forth in the City's fee schedule shall be assessed. Said estimation shall be made using the American Waterworks Association guidelines, or such other formulas as may be approved by the City.

**Sec. 13-144. Owner-initiated meter read fee.**

Whenever a meter read is taken at the request of the owner, a service charge in an amount set forth in the City's fee schedule will be assessed and invoiced on the first regular statement following the date of such reading. Such charges will be deemed for all purposes to be charges for water service.

**Sec. 13-145. Utility rate relief policy.**

Notwithstanding any provision of this Chapter, the City may adjust a customer's water bill under limited circumstances as provided in the City's existing senior citizen rate relief policy, or any other rate relief policy that may be adopted by Ordinance by the City Council. A copy of any rate relief policy currently in effect shall be maintained in the office of the City Clerk.

**Section 2. Severability.** Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

**Section 3. Repeal.** Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

**Section 4. Effective Date.** This Ordinance shall become effective immediately following publication, public hearing and the approval of City Council following second reading in accordance with Sections 5.9 and 5.10 of the City Charter.

**INTRODUCED AND READ** by title only on first reading at the regular meeting of the City Council of the City of Central on the \_\_\_\_ day of \_\_\_\_\_, 2012, at Central City, Colorado.

**CITY OF CENTRAL, COLORADO**

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Ronald E. Engels, Mayor

Approved as to form:

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Linda C. Michow, City Attorney

ATTEST:

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Reba Bechtel, City Clerk

**PASSED AND ADOPTED** on second reading, at the regular meeting of the City Council of the City of Central on the \_\_\_\_ day of \_\_\_\_\_, 2012.

**CITY OF CENTRAL, COLORADO**

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Ronald E. Engels, Mayor

ATTEST:

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Reba Bechtel, City Clerk

**POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY** in the Weekly Register Call newspaper on \_\_\_\_\_, 2012.

**POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING]** in the Weekly Register Call newspaper on \_\_\_\_\_, 2012.

**CITY OF CENTRAL, COLORADO**

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Ronald E. Engels, Mayor

ATTEST:

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Reba Bechtel City Clerk